



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ELLIOT A. GOTTFURCHT, GRANT E. GOTTFURCHT
and ALBERT-MICHEL C. LONG

Application No. 09/518,015

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 8, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on December 11, 2003 (Paper No. 17). While the examiner considered the references on page 1 of appellants' IDS, the examiner has not considered the references on page 2 of the IDS. Therefore, it is not clear from the record whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98, or whether this was due to inadvertent error.

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Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the references on page 2 of the IDS filed December 11, 2003 (Paper No. 17), written notification to appellants of such consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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